



**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As the below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled FIRE RESISTANT CONSTRUCTION the specification of which (check applicable box(es)):

- ☐ is attached hereto.  
☒ was filed on February 25, 2004 as U.S. Application Serial No. 10/786,466  
☐ was filed as PCT international application No. PCT/ / on and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

**Prior Foreign Application(s):**  
**Application Number**

**Country**

**Day/Month/Year Filed**

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application listed below:

**Prior Provisional Application(s):**  
**Application Serial No.**

**Day/Month/Year Filed**

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**Prior U.S./PCT Application(s):**  
**Application Serial No.**

**Date/Month/Year Filed**

**Status: patented,  
pending, abandoned**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 1) Inventor's Signature *Ivan Thrall Smith* Date *8/19/04*  
Inventor's Name (typed) Ivan Thrall Smith US  
First Middle Initial Family Name Citizenship  
Residence (City) Clearwater State/Foreign Country) FL  
Post Office Address 370 Palm Island, SE Zip Code 33767
- 2) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Inventor's Name (typed) \_\_\_\_\_  
First Middle Initial Family Name Citizenship  
Residence (City) \_\_\_\_\_ State/Foreign Country) \_\_\_\_\_  
Post Office Address \_\_\_\_\_ Zip Code \_\_\_\_\_
- 3) Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Inventor's Name (typed) \_\_\_\_\_  
First Middle Initial Family Name Citizenship  
Residence (City) \_\_\_\_\_ State/Foreign Country) \_\_\_\_\_  
Post Office Address \_\_\_\_\_ Zip Code \_\_\_\_\_

FOR ADDITIONAL INVENTORS, check box ☐ and attach sheet with same information and signature and date for each.

## ASSIGNMENT

This Assignment made by me, Ivan Thrall Smith, hereinafter referred to as assignor,  
citizen of the United States of America, residing at 370 Palm Island SE Clearwater, Florida

WITNESSETH: That;

WHEREAS, I am the sole inventor of certain new and useful improvements in **RESISTANT CONSTRUCTION** for which I have made an application for Letters Patent of the United States, Application Serial Number 10/786,466 filed February 25, 2004; and

WHEREAS, U.S. Greenfiber, LLC, a corporation duly organized and existing under the laws of the State of Delaware and having a principal place of business in Charlotte, North Carolina, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in the specification executed by me herewith, and any and all Letters Patent which shall be granted therefor;

NOW, THEREFORE, To All Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, the said assignor, have sold, assigned, transferred and set over unto the said assignee, its successors and assigns, the entire right, title and interest in and to the above-mentioned application and invention and in and to any and all Letters Patent of the United States which may hereafter be granted therefor, and in any and to any and all continuations, continuations-in-part, substitutions, divisions or reissues of said Letters Patent, the same to be held and enjoyed by the said assignee, for its interest, and for its own use and behalf, and the use and behalf of its successors and assigns, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held and enjoyed by me had this assignment and sale not been made.

And for the consideration aforesaid, I hereby covenant and agree to and with the said assignee, its successors and assigns, that at the time of the execution and delivery of these presents I am the sole and lawful owner of the entire right, title and interest in and to the invention, application and Letters Patent above-mentioned and that the same are unencumbered, and that I have good right and lawful authority to sell and convey the same in the manner herein set forth.

And for the consideration aforesaid, I hereby covenant and agree to and with the said assignee, its successors and assigns, that I will, whenever its counsel on the counsel of its successors and assigns, learned in the law, shall advise that an amendment, division, continuation, continuation-in-part, or substitution of, or any other proceeding in connection with said application, including interference proceedings, is lawful and desirable, sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for the procurement of valid Letters Patent for said invention, or for the reissue of the same without charge to my said assignee, its successors or assigns, but at its or their expense.

I hereby request the Commissioner for Patents to issue the Letters Patent in accordance with this instrument.

For the consideration aforesaid, I have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto the said assignee, its successors, assigns or nominees, the entire right, title and interest in and to any and all Letters Patent for said invention which may be granted in countries foreign to the United States and in and to any applications for Letters Patent which may be filed for said invention in countries foreign to the United States and in and to the invention described in said application; and I hereby authorize and empower the said assignee, its successor, assigns or nominees to apply for Letters Patent or

other form of protection on said invention in its own name or in the name of its successor, assignee, or nominee, in any and all countries where it may desire to file such application and where said application may be filed by another than the inventor; and I hereby covenant and agree to sign all papers and drawings, take all rightful oaths, and do all acts necessary or required to be done for procurement of Letters Patent, or other form of protection, for said invention or inventions in countries foreign to the United States, and for further investing or confirming the right and title therein to the assignee, its successor, assignee, or nominee, without charge to my said assignee, its successor, assignee or nominee, but at its or their expense.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 19 day of August, 2004.

Ivan Thrall Smith  
Ivan Thrall Smith

[Signature]  
WITNESS.

DATE: 8/19/04

**DUPLICATE**  
**DO NOT DETACH**  
**DO NOT RECORD**